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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GEN-PROBE INCORPORATED,

No. 99CV2668 H (AJB)

Plaintiff,

**DECLARATION OF J. CHRISTOPHER JACZKO IN
SUPPORT OF OPPOSITION TO MOTION FOR
ENTRY OF FINAL JUDGMENT UNDER
RULE 54(b)**

v.

VYSIS, INC.,

Date: July 30, 2001

Time: 10:30 a.m.

Dept.: Courtroom 1

Defendant.

I, J. CHRISTOPHER JACZKO, declare:

1. I am an attorney duly licensed to practice before this Court and am a partner with Cooley Godward LLP, attorneys of record herein for plaintiff Gen-Probe Incorporated. I am familiar with the matters set forth below based on my personal knowledge.

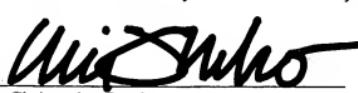
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1 Motion for Stay and for Dismissal of Fourth Cause of Action.

2 3. Attached to the NOL as Exhibit 2 is a true and correct copy of the Order Granting
3 Motion for Partial Summary Judgment of Non-Infringement of the '338 Patent; Claim
4 Construction of the Term "Amplifying" as Found In the '338 Patent.

5 4. Attached to the NOL as Exhibit 5 is a true and correct copy of the Stipulation Re
6 Second Amended Pre-Trial Schedule' [Proposed] Order Thereon

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct and that this declaration was executed by me on this 10th day of July,
9 2001 at San Diego, California.

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11 J. Christopher Jaczko

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